

STATE OF INDIANA) IN THE MARION CIRCUIT/SUPERIOR COURT
) SS:
COUNTY OF MARION) CAUSE NO. ~~490070607FL027860~~

STATE OF INDIANA,)
)
Plaintiff,)
)
v.)
)
LARRY M. FRIEDENSON,)
individually and doing business as)
DISTINCTIVE REMODELING SOLUTIONS,)
)
Defendant.)

FILED
JUL 07 2006
Dawn W. Schaller
CLERK OF THE
MARION CIRCUIT COURT
(120)

TEMPORARY RESTRAINING ORDER

This matter having come before the Court on the Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction, and the Court having considered the Plaintiff's motion, the Verified Affidavits of Rose Porter, Bridgette Robeson, Angela Smith Jones and Stephen Spencer attached thereto, and the allegations contained in the Plaintiff's Complaint in this action, now finds as follows:

1. The Defendant, Larry M. Friedenson, individually and doing business as Distinctive Remodeling Solutions, is an individual regularly engaged in the business as a home improvement contractor with a principal place of business in Marion County, located at 9125 Behner Brook Court, Indianapolis, Indiana, 46250.
2. The Defendant has acted as a home improvement supplier and solicited and engaged in home improvements with consumers, including plumbing, without possessing the plumbing license, required by Ind. Code § 25-28.5-1-1, *et seq.*

3. The Defendant has solicited and engaged in construction with Marion County consumers and acted as a contractor in Marion County without being listed as a contractor in Marion County at the time of contract formation, as required by the *Revised Code of the Consolidated City and County*, Chapter 875, Section 10.

4. By soliciting and engaging in home improvements without these required licenses, the Defendant has committed unlawful acts and this constitutes *per se* "irreparable harm."

5. There appears to be a substantial likelihood the Plaintiff will prevail on its Complaint in this action, as the Plaintiff alleges the Defendant has contracted with Indiana consumers, including but not limited to those identified in the Plaintiff's complaint, and either did no work, or failed to complete the job as originally represented by the Defendant, and the Defendant has failed to obtain the proper licenses to engage in the home improvements.

6. Issuance of this Order is in the public interest, as additional consumers will suffer immediate and irreparable injury, unless the Defendant is restrained from soliciting and engaging in home improvements, including plumbing, without possessing the plumbing license, required by Ind. Code § 25-28.5-1-1, *et seq.*, or acting as a contractor in Marion County without being listed as a contractor in Marion County at the time of contract formation, as required by the *Revised Code of the Consolidated City and County*, Chapter 875, Section 10.

7. The Defendant was notified of the Plaintiff's intent to file a Motion for Temporary Restraining Order by personal service upon the Defendant by the Office of the Attorney General on July 5, 2006 at 4:25 p.m.

8. The Plaintiff is a governmental organization and is not required to offer security pursuant to Rule 65(c) of the Indiana Rules of Trial Procedure and Ind. Code § 4-6-3-2(b).

9. The Plaintiff's Motion for Temporary Restraining Order should be granted.

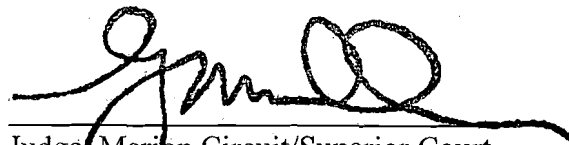
IT IS THEREFORE ORDERED by the Court the Defendant, Larry Friedenson, and his employees, agents, representatives, and any other person acting at his direction, be and hereby are temporarily restrained, pursuant to Rule 65 of the Indiana Rules of Trial Procedure, from soliciting and engaging in home improvements, including plumbing, without possessing the plumbing license, required by Ind. Code § 25-28.5-1-1, *et seq.*, or acting as a contractor in Marion County without being listed as a contractor in Marion County at the time of contract formation, as required by the *Revised Code of the Consolidated City and County*, Chapter 875, Section 10.

IT IS FURTHER ORDERED that the Defendant is to appear and show cause at a hearing to be held on July 17, 2006 at 3:00 o'clock ~~a.m.~~ p.m., or as soon thereafter as counsel may be heard, as to why a preliminary injunction should not be issued to preliminary enjoin the Defendant, during the pendency of this action, from committing the acts restrained herein.

IT IS FURTHER ORDERED the Plaintiff not be required to post security to obtain this Order pursuant to Rule 65(c) of the Indiana Rules of Trial Procedure and Ind. Code § 4-6-3-2(b).

All of which is ORDERED on this JUL 07 2006 day of July, 2006, at _____

a.m./p.m.


Judge Marion Circuit/Superior Court

Distribution:

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